

FILED IN TRIPLICATE
PATENT APPLICATION

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Assistant Commissioner for Patents, Washington, D.C. 20231.


Annette M. Turk, Legal Assistant

September 30, 1999
(Date)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Waltherus J.W. van Venrooij, et al.

Filed: May 13, 1999

For: PEPTIDE DERIVED FROM AN ANTIGEN
RECOGNIZED BY AUTOANTIBODIES FROM PATIENTS WITH
RHEUMATOID ARTHRITIS, ANTIBODY DIRECTED AGAINST
SAID PEPTIDE, A COMBINATORIAL ANTIGEN, AND A METHOD
OF DETECTING AUTO-IMMUNE ANTIBODIES

Group Art Unit _____

Examiner: UNKNOWN

PETITION UNDER 37 C.F.R. § 1.47 (a)

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This Petition is submitted in response to the Office's Notification of Missing Requirements Under 35 U.S.C. § 371 in the U.S. Designated/Elected Office mailed on July 6, 1999. Accompanying this Petition is the required petition fee, the surcharge fee, and the Office's Form PTO/DO/EO/905. Authorization is provided in this Petition to charge any additional fees to Deposit Account No. 13-4213.

The subject national entry application was filed by express mail on May 13, 1999, listing Waltherus Jacobus Wilhelmus Van Venrooij, Gerardus Antonius Schellekens, Jozef Maria Hendrik Raats and Rene Michael Antonius Hoet as co-inventors, and claimed priority to International Application Serial No. PCT/NL97/00624 filed on November 14, 1997. At the time of the U.S. national entry application, none of the signatures had been obtained. Inventor Gerardus Antonius Schellekens has refused to join in the

application. Thus, Waltherus Jacobus Wilhelmus Van Venrooij, Jozef Maria Hendrik Raats and Rene Michael Antonius Hoet respectfully petition the Office to accept the filing of this application on their own, and in behalf of Gerardus Antonius Schellekens.

In accordance with 37 C.F.R. § 1.497(a) and M.P.E.P. 1002.02(b) and M.P.E.P. 409.03, the following is submitted:

(1) Declaration under 37 C.F.R. § 1.63 on their own behalf, and under 37 C.F.R. § 1.64 on Gerardus Antonius Schellekens' behalf, signed by the Rule 47(a) applicants, Waltherus Jacobus Wilhelmus Van Venrooij, Jozef Maria Hendrik Raats and Rene Michael Antonius Hoet;

(2) Proof that co-inventor Gerardus Antonius Schellekens has refused to execute the application papers, provided by the Declaration of Waltherus Jacobus Wilhelmus Van Venrooij. The Declaration shows a *bona fide* attempt was made to obtain the signature of Gerardus Antonius Schellekens by telephone and through correspondence, and provides first-hand knowledge of the facts surrounding the non-signing of the application by co-inventor Gerardus Antonius Schellekens.

(3) The last known address of co-inventor Gerardus Antonius Schellekens is:

Gerardus Antonius Schellekens
Zwanenveld 37-03
NL-6538 XV Nijmegen, the Netherlands.

Background

Since the culmination of a disturbed working relationship, Gerardus Antonius Schellekens (Schellekens) has not worked at the biochemistry laboratory of the University of Nijmegen since February 1, 1999. Prof. Dr. Waltherus Jacobus Wilhelmus Van Venrooij, (Van Venrooij) one of the inventors, received the Declaration and Power of Attorney on June 9, 1999. Prof. Dr. Van Venrooij contacted Dr. Schellekens by telephone on June 10, 1999, and asked him to sign the documents. Dr. G. Schellekens orally agreed to have a look at the documents and a letter containing the above documents was hand delivered to

Schellekens on June 11, 1999. The documents were returned unsigned by mail together with a letter indicating an absolute refusal to sign.

According to the Dutch Patent Law, as well as the contract with his employer at the time of the invention, Dr. G. Schellekens is under an obligation to transfer all rights to the subject invention.

Action Requested

In view of co-inventor Dr. Schellekens' refusal to execute the application papers required in order to respond to the Office's Notification mailed July 6, 1999, and necessary to complete the subject application, Waltherus Jacobus Wilhelmus Van Venrooij, Jozef Maria Hendrik Raats and Rene Michael Antonius Hoet request that the Declaration under 37 C.F.R. § 1.63 and § 1.64 be accepted and that the subject application be considered complete as to its filing. Waltherus Jacobus Wilhelmus Van Venrooij, Jozef Maria Hendrik Raats and Rene Michael Antonius Hoet believe that they are entitled to make such application on behalf of co-inventor Schellekens. Therefore, it is requested that this Petition be granted and that the application be provided 37 C.F.R. § 1.495 status.

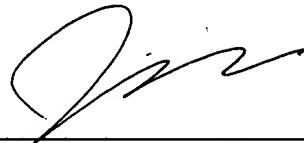
Fee

Provided with the Petition is a check for \$130 in payment of the filing fee as required under 37 C.F.R. § 1.17(i). Authorization is given to charge payment of any additional fees, or credit any overpayment to Deposit Account 13-4213.

Should the Examiner have any queries, suggestions or comments relating to a speedy disposition of the application, the Examiner is invited to call the undersigned.

Granting of the Petition is respectfully requested.

Respectfully submitted,

By 
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Date: 9/30, 1999